

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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**GEORGE M. CHAVIS, 91-A-3261,**

**Plaintiff,**

**06-CV-0543Sr**

**v.**

**P. CHAPPIUS et al.,**

**Defendants.**

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**DECISION AND ORDER**

By Decision and Order dated May 10, 2007, the Hon. Charles J. Siragusa construed plaintiff's motion to amend his complaint (Dkt. #5), as a motion for reconsideration of the Hon. John T. Elfvin's Memorandum and Order dated October 24, 2006 (Dkt. #4), which denied plaintiff *in forma pauperis* status because plaintiff has had at least three civil actions or appeals dismissed on the grounds that the actions were frivolous, malicious, or failed to state a claim upon which relief may be granted and because plaintiff's complaint failed to assert claims indicating that he was in imminent danger of serious physical injury. Dkt. #7. Upon consideration of the motion, the Court found no basis for reconsideration and dismissed the complaint for failure to pay the filing fee. Dkt. #7.

The Court of Appeals for the Second Circuit vacated that decision and remanded the case to allow amendment of plaintiff's complaint . Dkt. #11. As a result,

plaintiff is directed to file an amended complaint within 30 days of the entry of this Decision and Order.

**SO ORDERED.**

DATED: Buffalo, New York  
September 30, 2011

**S/ H. Kenneth Schroeder, Jr.**  
**H. KENNETH SCHROEDER, JR.**  
**United States Magistrate Judge**